

Model School District Policy

Bullying, Harassment, Intimidation and Hazing of Students

Purpose

The following Model District Policy provided by the Montana Office of Public Instruction is to be used as a guide for districts in the development, implementation and enforcement of their own policies and procedures. Nothing in the model policy language prohibits school districts from including additional provisions or adopting a more or less comprehensive version of the models provided.

School districts are not required to adopt these models, the provision of which is meant to exemplify effective school policies and enforcement procedures for the topic areas covered. The Montana Office of Public Instruction is not responsible for implementation or enforcement of any models adopted. If a school district in Montana wishes to adopt all or part of the Model Policies provided by OPI, that school district assumes liability for the implementation and enforcement of such policies. The Office of Public Instruction encourages school districts to develop policy content and format locally, in collaboration with local interest groups, and not based solely on the models provided herein.

District Policy Statement

The _____ School District is committed to providing a safe, productive and positive learning environment at all grade levels. A safe and accepting school environment is conducive to, and necessary for optimal academic achievement. Like other disruptive behaviors, bullying, harassment, intimidation and hazing negatively impact the learning environment. Bullying, harassment, intimidating and hazing behaviors will not be tolerated at any grade level. Students and staff are strictly prohibited from taking any action that could be interpreted as bullying, intimidation, harassment, hazing, or retaliation for reporting such action.

I. Definitions

- A. "Bullying, harassment or intimidation " means any threatening, insulting, or demeaning gesture or physical conduct, including any intentional written, verbal, or electronic communication or threat directed against a student regardless of the underlying reason for such conduct that:
 - a. causes a student physical or mental harm, damages a student's property or places a student in reasonable fear of harm to the student or the student's property;
 - b. substantially interferes with a student's access to educational opportunity or benefit; or
 - c. substantially disrupts the orderly operation of the school.
- B. "Electronic Communication" is defined in 45-8-213, MCA, and includes any communication by any electronic device including but not limited to text messaging, sexting, email, or use of social networking.
- C. "Hazing" means an act against a student or coercing a student into behavior that creates risk of harm to a person in order for the student to be initiated into, or affiliated with a student activity, team, club or organization, or for any other purpose.
- D. "Retaliation" means an intentional act or communication intended:
 - a. as retribution against a person who has reported an incidence of bullying, harassment, or intimidation; or
 - b. to improperly influence the reporting, investigation, or discipline that results from an incidence of bullying, harassment, or intimidation.
- E. "Sexting" means sending sexually explicit messages or photographs, primarily between mobile phones, such as sending a text message with a sexual image.
- F. "Staff member" includes but is not limited to teachers, specialists, coaches, administrators, board members, volunteers, custodians, and any others employed or authorized by the school, school board, or district.
- G. "Designated Investigator" is the principal of the school, or a staff member appointed by the principal responsible for receiving and investigating reports of bullying, harassment, or intimidation. ["Designated Investigator" may appropriately be the designated Title IX coordinator.]

II. Prohibitions

- A. No school student or staff member will engage in any of the following:
 - 1. Bullying, harassment, intimidation or hazing of a student;
 - 2. Retaliation against a student or staff member for reporting an incident of bullying, harassment, intimidation or hazing; or
 - 3. Coercion of another person to commit bullying, harassment, intimidation, or hazing.
- B. Bullying, harassment, intimidation and hazing is strictly prohibited:
 - 1. in a classroom or any other location on school premises;
 - 2. during any school sponsored program, activity, or function where the school is responsible for the student, including on a school bus or other school-related vehicle; or
 - 3. through the use of electronic communication as defined in 45-8-213, regardless of when or where it occurs, that substantially disrupts the orderly operation of the school or any school-sponsored program, activity, or function where the school is responsible for the student.

III. Consequences

- A. If a student or staff member is found to have committed one of the above-prohibited behaviors, consequences may follow, up to and including expulsion or termination from employment. Such action is meant not only to discipline the offending student or staff member, but also to protect the target from future aggression or retaliation. Consequences may be implemented after reporting, investigation, and determination that a prohibited act has been committed.
- B. Depending on the age of the students involved and severity of the infraction, disciplinary and remedial actions for students may include:
 - 1. Parental notification
 - 2. Loss of privilege(s)
 - 3. Parent conference
 - 4. Reassignment of seats
 - 5. Reassignment of classes
 - 6. Reassignment to another mode of transportation
 - 7. Escort of the perpetrator
 - 8. Completion of apology letter and acknowledgement of behavior
 - 9. Referral or appointments with school counselor or other professionals
 - 10. Payment for damaged property
 - 11. Detention
 - 12. Suspension (in-school or out-of-school)
 - 13. Referral to law enforcement
 - 14. Expulsion

Any student disciplined will be afforded due process as required by District policy for action taken by school administration or the Board of Trustees.

- C. Depending on the severity of the offense, disciplinary and remedial actions for school staff is subject and commensurate with the district's personnel policies and may include:

1. Verbal warning
2. Written warning
3. Suspension
4. Referral to law enforcement
5. Termination of employment

IV. Intervention

- A. All staff members shall intervene when witnessing potentially bullying, harassment, or intimidating behavior. If the staff member witnesses or receives a report of unresolved bullying, harassment, intimidation or hazing the staff member will report the matter pursuant to VI. below.
- B. If it is determined that staff was aware of bullying, intimidation or harassment and did nothing to intervene, discipline or remedial action may be invoked.

V. Reporting

- A. Students who feel they have been subjected to bullying, harassment, intimidation or hazing, or other students, parents, staff, or other community members who believe they have witnessed bullying, harassment, intimidation or hazing of a student may report the incident either in writing (via Incident Reporting Form) or verbally. Reports may be made to any staff member.
- B. Any staff member who becomes aware of bullying, harassment, intimidation or hazing should attempt to resolve the matter immediately. When staff is made aware of unresolved incidents they shall fill out an Incident Reporting Form and submit it to the principal (unless the principal is the subject of the complaint) within 48 hours of the incident.
- C. If the principal is the subject of the complaint, the report should be submitted to the District Superintendent.
- D. Anonymous reports containing adequate detail to investigate will be investigated.
- E. Incident Reporting Forms are available on the school district website and included in the student handbook.

VI. Investigatory Process

- A. All investigations should be initiated promptly, but no later than two school days after the Incident Report has been completed and filed with the school administration office.
- B. The designated investigator will determine whether bullying, harassment, intimidation or hazing has occurred by interviewing the aggressor(s), the target(s), the reporter, and known bystanders and other witnesses. Previous incident reports involving the same students should also be taken into consideration.
- C. Any interviewees should be informed that information given will be kept as confidential as possible in accordance with student due process rights, but that disclosure may be necessary.
- D. The investigation should be performed and concluded within five school days of receipt of a report. Upon conclusion, if it is found that bullying, harassment, intimidation or hazing has occurred parents of the target(s) and the aggressor(s) shall be notified immediately by a school administrator.
- E. The school administration will determine whether another entity has jurisdiction over the incident. If instances of bullying, harassment, intimidation or hazing rise to the level of a possible criminal offense, a school administrator shall immediately notify the police.
- F. The school principal, in conjunction with the counselor or other appropriate staff, shall determine and implement appropriate consequences, which may include discipline and/or remedial action for the aggressor and the target. The aggressor will be informed that retaliation is strictly prohibited and will be met with similar or additional consequences.

- G. The school administration shall take all necessary steps to protect the target from further bullying, harassment, intimidation or hazing incidents. This can include but is not limited to changing the aggressor's seat, transportation route, or classes and identifying a staff member to act as a supervisor for the aggressor. If an escort is appropriate, the aggressor – not the target – should be escorted.
- H. The principal or other designated school administrator will follow up with the target of any bullying, harassment, intimidation or hazing to ensure that the negative behavior has stopped.
- I. A written record will be kept of each reported incident, including the written report, investigatory steps and information, conclusive findings, referral to other entities (e.g. law enforcement) and disciplinary and/or remedial action taken.

VII. Notification and Training

- A. The District policy and procedures will be included in student handbooks for all grade levels and prominently posted on the district's webpage.
- B. Reporting form(s) will be readily available to staff members, student's, and parents, including on-line on the District's website.
- C. Staff and students will be educated on the policy and procedures, including: recognizing inappropriate behaviors; using appropriate intervention and remediation; and possible consequences and discipline.

REFERENCES:

ARM 10.55.701